

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DAVID PAKTER,

Plaintiff,

-against-

NOTICE OF MOTION

08-CV-7673 (DAB)(KNF)

NEW YORK CITY DEPARTMENT OF
EDUCATION f/k/a BOARD OF EDUCATION OF
THE CITY SCHOOL DISTRICT OF NEW YORK;
and JOEL I KLEIN, as Chancellor of the CITY
SCHOOL DISTRICT OF THE CITY OF NEW
YORK, et al.,

Defendants.

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PLEASE TAKE NOTICE that upon the accompanying Declaration of Larry R. Martinez, dated June 26, 2009, the Defendants' Memorandum of Law in Support of their Motion to Dismiss, dated June 26, 2009 and all papers and proceedings heretofore had herein, defendants the New York City Board of Education ("DOE") and Joel I. Klein, as Chancellor of the New York City Board of Education in the captioned action, will move this Court, before the Honorable Deborah A. Batts, United States District Judge, at the United States Courthouse for the Southern District of New York, located at 500 Pearl Street, New York, New York, for an order pursuant to Rule 12(b)(1), (2), (5), and (6) of the Federal Rules of Civil Procedure for judgment dismissing the Complaint in its entirety and for such other and further relief as the Court may deem just and proper.

PLEASE TAKE FURTHER NOTICE THAT, pursuant Local Civil Rule 6.1(b), answering papers, if any, must be served upon the undersigned within ten business days

after service of defendants' moving papers, and reply papers, if any, will be served upon the plaintiff within five business days after service of the answering papers.

Dated: New York, New York
June 26, 2009

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By: **ECF** /s/ _____
Larry R. Martinez
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